

Exhibit A Powell

Page 54

Page 56

1 A. Yes. That's the closest state  
2 institution next to the halfway house. If you  
3 violate prerelease they take you to the  
4 closest halfway house around. So they took me  
5 to Mahanoy. I had to serve my whole time  
6 because I violated my prerelease. After I  
7 served my whole time I went back to  
8 Smithfield.

9 Q. How much time did you serve at  
10 Mahanoy?

11 A. I believe 90 days in the hole.

12 Q. And you said that you served it  
13 because you violated what?

14 A. Prerelease.

15 Q. Did you have to do the balance  
16 of your five-to-ten-year sentence?

17 A. No.

18 Q. What did you have to do?

19 A. I went back to Smithfield and  
20 they gave me a six-month hit, which turned  
21 into a year because Dennis Powell wouldn't  
22 approve my home plan. Then --

23 Q. Hang on a second. When you went  
24 back to Smithfield you said you got a

1 A. Whatever, exactly, whatever the  
2 write-up was consisted of for me getting in  
3 the halfway house, because on prerelease you  
4 get a write-up, whatever my write-up consisted  
5 of that was the reason why I got my six-month  
6 hit.

7 Q. Now, you mentioned something  
8 about Powell didn't permit something.

9 A. Yeah.

10 Q. Explain that.

11 A. I had went back -- now, I was  
12 granted parole after that.

13 Q. After you did your six months?

14 A. Six months, they gave me parole.

15 Q. You have to be careful. I know  
16 you know more about this than I do, but when  
17 you start answering the questions before my  
18 question is out it makes it impossible for  
19 him. Okay?

20 A. I apologize.

21 Q. Okay. So you go up to  
22 Smithfield, you do your six additional months  
23 on your minimum that they added to; right?

24 A. Yes.

Page 55

Page 57

1 six-month hit meaning what, six months added  
2 on?

3 A. They gave me six months. I  
4 thought they was going to give me more. But  
5 the hearing examiner gave me a six-month hit  
6 saying that because you violated prerelease  
7 I'm going to make you do an additional six  
8 more months past your minimum and then we'll  
9 parole you.

10 Q. So the minimum you had already  
11 served. So they were adding --

12 A. Yeah, I was at my minimum now  
13 when I was in the hole and all that. And then  
14 when I got back to my jail I had, I believe,  
15 like four months into it I had to see the  
16 parole board. So I seen the parole board.  
17 No, I got a hit, I got my hit for violating  
18 parole, that's what happened first. When I  
19 got up there I got a green sheet saying you  
20 owe six months for whatever reason as far as  
21 violating my conditions of prerelease.

22 Q. Meaning what happened with  
23 driving a car and going to Pottstown while you  
24 were in the halfway house?

1 Q. And then what happened in terms  
2 of the parole?

3 A. I do my six months and I get a  
4 green sheet saying I'm paroled --

5 Q. Okay.

6 A. -- upon approval of a home plan.

7 Q. Now, at that point in time, was  
8 Powell already your parole officer?

9 A. No. I never made parole. You  
10 don't get a parole agent until you make  
11 parole.

12 Q. Okay.

13 A. But he had known about me  
14 through the Pottstown Police.

15 Q. How do you know that?

16 A. He told me this.

17 Q. When did he say that?

18 A. When I got out.

19 Q. When you got out from  
20 Smithfield?

21 A. When I got out, yeah.

22 MR. KARAMESSINIS: If you want  
23 to ask anything?

24 MR. BRADFORD: Yes. Let me just



Page 58

1 jump in here real quick.

2 You do the six-month hit, you  
3 get approved for parole; right?

4 THE WITNESS: Yeah.

5 MR. BRADFORD: At that point you  
6 had never met Dennis Powell, you  
7 didn't know who Dennis Powell was?

8 THE WITNESS: I knew who he was.  
9 I just never met him.

10 MR. BRADFORD: Who was he?

11 THE WITNESS: He was a parole  
12 agent out there.

13 MR. BRADFORD: How did you know  
14 who he was at that time?

15 THE WITNESS: Because he had  
16 dealings with other people out there  
17 in Pottstown and Norristown that,  
18 you know, knew of him, plus he lives  
19 in Pottstown.

20 MR. BRADFORD: Had you met him?

21 THE WITNESS: No, I never met  
22 him. I just knew of him. Like I  
23 said, like someone says there go the  
24 parole -- he used to come through

Page 59

1 the block like he was a police  
2 officer looking for dudes that were  
3 on parole.

4 MR. BRADFORD: And Dennis Powell  
5 was responsible for approving your  
6 home plan?

7 THE WITNESS: Yes. He was going  
8 to be my parole agent when I got  
9 out. So he went by to see my  
10 residence with Renada's. I was  
11 going to live with Renada, which is  
12 my children's mother. I was going  
13 to get approved to her home because  
14 at the time my mom's fiance was on  
15 parole, so I couldn't go there. So  
16 Dennis Powell had a relationship  
17 with my daughter's mother and -- my  
18 daughter's mother and her mother as  
19 far as with this parole thing.

20 MR. BRADFORD: Because he had  
21 investigated the home plan?

22 THE WITNESS: Exactly. So he  
23 kept telling them I was going to be  
24 cool, and then he shot the home plan

Page 60

1 down. So when he shot it down that  
2 pushed my -- I either had to put  
3 another home plan in or go to a  
4 halfway house. So --

5 MR. BRADFORD: Why was it shot  
6 down?

7 THE WITNESS: I don't know. He  
8 just said he wasn't going to approve  
9 it. If you ask me, he didn't want  
10 me paroled.

11 MR. BRADFORD: But you don't  
12 know -- so you don't know why he  
13 rejected it?

14 THE WITNESS: Well, I'll get up  
15 to that later when I finally got to  
16 meet him.

17 MR. BRADFORD: Okay.

18 THE WITNESS: So I put another  
19 parole home plan in for my  
20 stepmother's house, which is  
21 Gilbert's mother, Barbara Pastore.

22 BY MR. KARAMESSINIS:

23 Q. Gilbert Butts' mother?

24 A. Exactly. I put a home plan in

Page 61

1 to hers. At the time now this is 30 days  
2 after my first one got shot down. So Powell,  
3 he keeps coming to her house when she's not  
4 home. She works all day. So instead of  
5 calling to let her know we're going to set up  
6 a date he keeps coming to the door leaving  
7 notes I been here to check on David's home  
8 plan. Now, about four months go by now. So  
9 what I do is I tell her to file a complaint  
10 with his supervisor because he's doing this to  
11 be smart. Once she does that my home plan is  
12 approved instantly and I get right out.

13 MR. BRADFORD: Who did she file  
14 a complaint with?

15 THE WITNESS: Whoever was in  
16 Norristown, she called down there  
17 and told them he was coming by the  
18 house leaving notes, not directly  
19 talking to her. And then at the  
20 last minute -- or either I had her  
21 go to Norristown or I had her go to  
22 Harrisburg, either one of the two, I  
23 can't remember, but she talked to  
24 somebody over top of him because his



Page 62

1 whole thing was he was in a  
2 convention in Harrisburg or  
3 something.

4 MR. BRADFORD: Powell?

5 THE WITNESS: Yeah. So the  
6 whole time while he was in this  
7 convention or whatever he just put  
8 my home plan on his desk like I'll  
9 get to it when I get to it.

10 MR. BRADFORD: Do you know who  
11 -- who was making calls on your  
12 behalf?

13 THE WITNESS: My stepmother,  
14 Barbara.

15 MR. BRADFORD: Barbara didn't  
16 submit any writings, this was all  
17 over the phone?

18 THE WITNESS: I don't know.

19 MR. BRADFORD: You don't know.

20 THE WITNESS: All I know is when  
21 I called she said that he had  
22 called, she had finally talked to  
23 him and he was coming out on such  
24 and such a date.

Page 63

1 MR. BRADFORD: Do you know who  
2 she spoke with --

3 THE WITNESS: No.

4 MR. BRADFORD: -- before Powell  
5 came out?

6 THE WITNESS: No.

7 MR. BRADFORD: Okay. And then  
8 Powell called?

9 THE WITNESS: He called her,  
10 yeah, and told her, I'll be by on  
11 such and such a date, are you going  
12 to be available on that day?

13 And she said, yeah.

14 And so they did that, my home  
15 plan was approved and I came home in  
16 probably a couple of weeks.

17 MR. BRADFORD: And Powell was  
18 your PA?

19 THE WITNESS: No. Powell was --  
20 he transferred, I believe, to  
21 Norristown. I had a guy named -- I  
22 had a new agent, not Venzanango(ph),  
23 that was my parole officer when I  
24 caught this case. Founts, I believe

Page 64

1 his name was Founts. I don't know  
2 his first name.

3 BY MR. KARAMESSINIS:

4 Q. How do you say that again?

5 A. Founts.

6 Q. Like F-o-u-n-t-s or something?

7 A. I don't know how to spell it. I  
8 know his name as Founts. He was a parole  
9 agent at the time. He's still a parole agent  
10 out there now, I believe. But he was my  
11 parole agent. So when I came home he had to  
12 report to Norristown at the sub-office. So  
13 when I got out I reported to Founts. We went  
14 over, gave me a urine, told me what my  
15 conditions were, what I could do and what I  
16 couldn't do.

17 Q. And is this still in 2002 or are  
18 we into 2003 now?

19 A. This is 2002. So I was home, I  
20 would say, about a month. And I had drove  
21 myself to the parole office. It was going  
22 into the fourth week of me being home. And I  
23 had my son by someone else and his two  
24 brothers in the car. And I went to the parole

Page 65

1 office. I gave them my urine. Everything was  
2 cool. I told them I was working. Everything  
3 was all right. And before I got to come out  
4 there was a security officer, there was a  
5 Social Security office in the same facility as  
6 the parole office.

7 MR. YOUNG: Right on High  
8 Street, right Downtown Pottstown?

9 THE WITNESS: No. This is in  
10 Norristown.

11 MR. YOUNG: Oh, Norristown. I'm  
12 sorry.

13 THE WITNESS: And as I was  
14 coming out from with Founts this big  
15 black security guard was in there  
16 saying get these bad little kids out  
17 here in the parking lot kicking  
18 cars. So my radar, the first thing  
19 go up is I know these kids ain't out  
20 here acting up. So he's talking to  
21 Powell.

22 So I said, Founts, am I good to  
23 leave?

24 He was like, yeah, go ahead.



Page 74

Page 76

1 back.

2 I said, you know what, just come  
3 with me, I'm going to do the talking.

4 And I went back. The female  
5 supervisor was out with Powell, Founts and a  
6 couple of other agents. And immediately  
7 that's when Powell came over to me.

8 And he was like, what's going  
9 on?

10 And I told him the same with the  
11 guy had said that he was driving.

12 And they was like, all right,  
13 let's go inside and get this straight.

14 Where was this kid, by the way,  
15 at that point, did he come back with you?

16 A. Yeah, he was right with me.

17 Q. Did you even know who this kid  
18 was?

19 A. No.

20 Q. How old was he?

21 A. I don't know.

22 Q. Do you know his name?

23 A. No.

24 Q. So he came back inside with you?

1 A. No.

2 Q. Okay.

3 A. So they tell him to leave, we  
4 don't even want you, leave.

5 So I said, where's my child and  
6 his little brothers?

7 They said, they're inside the  
8 building.

9 So we go inside the building.

10 Q. By the way, during this time  
11 when you were outside the only person you're  
12 having a chat with is Founts, you're not  
13 talking to Powell?

14 A. No, it's Powell. I'm talking to  
15 Powell now.

16 Q. Why are you talking to Powell?

17 A. He just took over the  
18 conversation. First I started with Founts.  
19 And then at that Powell just took over the  
20 conversation.

21 He said, let's go inside.

22 So we go inside. We go into the  
23 little rooms where you get interviewed at.  
24 And as I get into the room I'm not with

Page 75

Page 77

1 A. No. They wouldn't let him  
2 inside.

3 Q. Was he standing there with you  
4 when you told Powell that he had driven you to  
5 the office?

6 A. Yeah.

7 Q. Did they ask him any questions  
8 at that point?

9 A. No. They didn't even want to  
10 talk to him after that. Once I came back to  
11 the scene they told him to beat it.

12 Q. When you first came back there,  
13 did you first have a discussion with Founts  
14 since he was your parole officer?

15 A. Yeah.

16 He said, what's going on?

17 I said, my cousin right here  
18 left the kids here.

19 And that's when Powell said,  
20 let's go inside and talk about this.

21 Q. And you pointed to this kid who  
22 you didn't know as being your cousin?

23 A. He was right beside me, yeah.

24 Q. But that wasn't your cousin?

1 Founts, I'm with Powell.

2 Q. What happened to Founts?

3 A. Powell just -- I don't know. He  
4 must have went somewhere else.

5 Q. Who was in the room with you?

6 A. Just me and Powell.

7 Q. What about the kids?

8 A. They must have been in the back  
9 part of the parole office where all the  
10 offices and desks and all that are, I guess.

11 Q. Did you ask Powell why Founts  
12 wasn't in there since he was your officer?

13 A. No.

14 He said, don't lie to me, what's  
15 going on?

16 I said, I came here to see my  
17 parole man to give him a urine and I left.

18 He was like, you wasn't driving?

19 I said, no.

20 He said, you're lying. He said,  
21 where's the drugs at?

22 I said, I ain't got no drugs.

23 And that's when he threw me down  
24 on the drawer and cuffed me.



Page 78

Page 80

Q. He threw you down on what?

A. Like a desk like this, he put me down on the desk and cuffed me.

Q. So he didn't throw you down, he just pushed you against the desk?

A. Like he grabbed me. No, he didn't slam me or do nothing. He just pushed me down and said put your hands behind your back.

Q. So he cuffed you?

A. Cuffed me. Then they took me into a little room where they hold, I guess, people that's getting ready to go back to prison and they cuffed me, he cuffed me to the wall.

Then Founts comes in, Founts comes in like, what's going on?

Basically, they was playing good cop, bad cop. Founts comes in now to get me to tell what really happened because he know I wasn't going to talk to Powell.

Q. So did you finally admit to Founts?

A. No. At first I wouldn't --

Page 79

yeah, finally I admitted. At first I wouldn't.

Q. Admitted what?

A. That I had drove there.

And then he said, you know it's a violation of your parole?

I said, yeah, now I know that now.

He said, you're going back to Graterford.

Q. That was Founts who said that?

A. Yeah. And after that I went back to Graterford. They contacted their mother. She came and got them in her truck. And I went back to jail for a while.

Q. How long?

A. Two years.

Q. Is that two years as part of the sentence they gave you the five to ten?

A. Yeah. I didn't get a new charge.

MR. KARAMESSINIS: Do you have anything else on that?

MR. BRADFORD: No.

BY MR. KARAMESSINIS:

Q. So from 2001 then -- or excuse me -- from 2002 to 2004 you're in Graterford?

A. No. I go back up to Smithfield.

Q. How long are you in Graterford, just to be transferred?

A. Yeah. Graterford is the closest state prison that, you know, you have to go in order to go back to your jail. So I went to Graterford for about 60 days. Then when the bus got ready to come back up here I came back to Smithfield.

Q. And you served the remaining like year and three quarters at Smithfield or so of the two years?

A. I got out in March of '04.

Q. You were in Smithfield from August of '02 to March of '04?

A. No. At the time I had transferred out into Huntingdon.

Q. How long were you in Smithfield before you came to Huntingdon?

A. No. As a matter of fact, let me correct that. When I came back from --

Page 81

because at one time when I came back I got transferred from up Smithfield down to here to the trailers to the outside, to work outside the jail. I believe that was in -- that was in '01 when I got my first hit, that's what it was. In '01 when I got the six months and I got ready to come up for parole to leave they had put the paperwork in for me to get transferred down here to the Mas(ph). When I got down here transferred to the Mas my hit was up. And then that's when I was going through all the him shooting my home plans down out in the Mas. But then I finally made parole. So then at this time when I came back in '02 I came straight here.

Q. So in '02 when you got the two-year hit --

A. I got a year.

Q. I thought you said two?

A. I did two years, I said. I didn't get a two-year hit. I did two years.

MR. BRADFORD: Yes. Just to be clear, when you say hit that's a period of time that you're not



P-3

Page 82

1 eligible for reparole.

2 THE WITNESS: I got either -- I  
3 think they might have gave me 18  
4 months or a year, but I ended up  
5 doing more than that time.

6 BY MR. KARAMESSINIS:

7 Q. And part of that you did -- at  
8 first you said you thought part of that you  
9 did at Smithfield, now you corrected yourself?

10 A. No. I did it down here.

11 Q. Huntingdon, you did it all here?

12 A. I had transferred from up there  
13 down here in '01. In '02 I was already down  
14 here.

15 Q. So from August of -- I think you  
16 said August of '02 to March of '03 you did  
17 mostly in Huntingdon?

18 A. October I went back to  
19 Graterford, October of '02 I left Graterford  
20 and went back to here.

21 Q. Here meaning Huntingdon?

22 A. Huntingdon. And then from there  
23 I didn't get out until March of '04.

24 Q. '04?

Page 83

1 A. Yes.

2 Q. And when you got out in March of  
3 '04, what happened then?

4 A. I had a new parole agent named  
5 Scott Dominic.

6 Q. Dominic?

7 A. Yeah.

8 Q. Now, in terms of when you got  
9 out here you were on probation at that point?

10 A. Parole.

11 Q. Parole, excuse me.

12 And how long was your parole  
13 period supposed to be, as you understood it?

14 A. Still my max date wasn't until  
15 September of 2006.

16 Q. All right. Did you go to a  
17 halfway house?

18 A. No. I was paroled straight home  
19 to a new girlfriend I had at the time.

20 Q. And who was that?

21 A. Her name was Mia Wise.

22 Q. Mia Watts?

23 A. Wise, W-i-s-e.

24 Q. And was the home plan approved

Page 84

1 for you to go there?

2 A. Yeah, it was approved by  
3 Dominic.

4 Q. Now, was Dominic working out of  
5 the same office that Powell and Founts had  
6 worked out of?

7 A. Yes. It's all one office, yeah.

8 Dominic was basically trained by Powell, a new  
9 agent.

10 Q. How do you know that?

11 A. He was telling me that, you know  
12 what I mean, he was new, Powell was showing  
13 him the ropes blahsee, blahsee, and so forth  
14 and so on.

15 Q. So during the time that you went  
16 to meet Dominic, Dominic advised you that he  
17 had been trained by Powell?

18 A. Yeah.

19 Q. Now, when you went to see  
20 Dominic on occasions, did you ever see Powell?

21 A. Yeah.

22 Q. Did you ever have any issues  
23 with Powell during these times?

24 A. Yeah.

Page 85

1 Q. What kind of issues?

2 A. That time in '04 he said -- what  
3 did he say -- oh, they let you out again, huh?

4 I said, what you mean by that?

5 He said, I see they let you out,  
6 huh?

7 I said, yeah, I did my time.

8 He said, I'm going to be  
9 watching you.

10 That would mainly be for the  
11 most part every time he seen me it would be  
12 that, I got my eye on you.

13 And I would laugh at him.

14 Q. This was something he said to  
15 you on occasion when he would see you at the  
16 parole office?

17 A. Norristown.

18 Q. Going to see Dominic?

19 A. (Witness indicating.)

20 Q. You have to say yes.

21 A. Yes.

22 Q. Did you ever have any  
23 discussions with him besides the ones you've  
24 just explained, anything else, or is that it?



Page 86

1 A. With Powell?

2 Q. Yes, during this time period in  
3 '04.

4 A. Well, like the next day I got  
5 released you've got to report within 24 hours.  
6 So I went to report. I met Dominic. No, I  
7 didn't even meet Dominic. It was another guy  
8 there. Dominic wasn't even the guy that  
9 interviewed me. It was another parole agent,  
10 he interviewed me and told me that my parole  
11 agent, blahsee, blahsee, was going to come and  
12 see me and check and make sure everything was  
13 all right. I left. I was home. I had to  
14 come back. And I did, I believe, in another  
15 week or two. Before that week was up Dominic  
16 and Powell was at my residence, my first week  
17 home. For about my third or fourth day they  
18 was at my residence.

19 Q. Now, the residence that you were  
20 at was where?

21 A. It was in Pottstown.

22 Q. That's your girlfriend's house?

23 A. Yeah, on High Street.

24 Q. Had that been approved already?

Page 87

1 A. Yes.

2 Q. That had been approved before  
3 you left Huntingdon?

4 A. That was, yes.

5 Q. When they came to the residence  
6 where your girlfriend lived and where you  
7 resided after leaving Huntingdon, was there  
8 anything unusual about them coming there?

9 A. When they came?

10 Q. Yes.

11 A. Well, actually from the last  
12 time I was paroled like I never had an  
13 experience with this parole thing. The last  
14 time I was home for a month and Founts never  
15 came to my residence. He never even seen my  
16 residence. Powell approved everything. So  
17 when they came I had -- at the time I had long  
18 hair, I was getting my hair braided by my  
19 sister.

20 And I called her at the house, I  
21 called, I said, I'll be home in a little bit.

22 And she's like, these parole  
23 people was just here.

24 I said, what you talking about?

Page 88

1 She said, there was two parole  
2 agents here, your parole agent that approved  
3 the house and this black guy named Powell.

4 I said, what were they there  
5 for?

6 She said, they wanted to know  
7 where you lived and they searched the place.

8 Q. What do you mean searched it?

9 A. They searched the residence, the  
10 bedroom to see where I slept.

11 Q. And this is -- what's the  
12 address there?

13 A. This was, I believe it was, 1120  
14 High Street.

15 Q. And what was your girlfriend's  
16 name?

17 A. Mia Wise.

18 Q. Did they say that they just  
19 searched your bedroom?

20 A. She said -- she told me on the  
21 phone, she said, Dominic, your parole agent,  
22 and this black -- she said she didn't know  
23 Powell, she knew Dominic -- and she said, they  
24 had came to the residence, Powell asked me

Page 89

1 where his stuff at?

2 Q. Powell asked who?

3 A. Mia.

4 Q. Mia?

5 A. Where's his stuff at, where's he  
6 sleep, is he here with you?

7 Because she was kind of a bigger  
8 girl, and he figured that I wasn't really into  
9 this girl. So he was trying to figure out if  
10 I was just using her as a place to get paroled  
11 here. So he was asking her all these  
12 questions. Dominic was not saying nothing.

13 I said, who's asking?

14 She says, the guy Powell is  
15 asking this.

16 Q. But she didn't name Powell, she  
17 said the other guy, right?

18 A. She said his name was Powell  
19 because he left a card. So she said the other  
20 guy did all the talking.

21 So I said, well, he knows me, me  
22 and him have history, he doesn't like me.

23 She said, well, they went into  
24 the room and searched the room.



Page 90

1 I said, searched the room for  
2 what?  
3 She said, I don't know.  
4 I said, what did you ask him?  
5 She said he said he wanted to  
6 make sure that I resided at this residence and  
7 all my stuff was there.  
8 He said, where's Cooper's stuff?  
9 She showed him all my clothing,  
10 footwear, coats and all that was.  
11 Q. Did she describe for you the  
12 extent of the search that was performed?  
13 A. She just said they walked around  
14 the house, then they went to the bedroom and  
15 searched.  
16 Q. Did she describe the search to  
17 you as the kind of search just to confirm that  
18 men's clothing was in the room; is that what  
19 all it was?  
20 A. She said he looked -- she said,  
21 this is what he said, she said, Powell looked  
22 at my clothes, he seen my clothes there and  
23 then he started going through closets, behind  
24 a little dresser, lamps, like maybe if I was

Page 91

1 hiding something or something was in there.  
2 So she said then he said that we'll be back  
3 later on.  
4 So I said, all right.  
5 I left my sister's. I went in  
6 town. I did a few things. I came home later  
7 on that night.  
8 Q. By the way, were you still  
9 driving at that point?  
10 A. No.  
11 Q. On a suspended driver's license?  
12 A. No.  
13 Q. But you said you did a few  
14 things in town. How did you do them? Did you  
15 get on a bus or what?  
16 A. My sister, like my sister,  
17 everybody in my family got a license. So  
18 wherever I need to go they would take me.  
19 Q. Okay.  
20 A. So I might have went to see my  
21 kids, went to my mother's, my grandmother's  
22 somewhere. And then after that I went home.  
23 I got home. I knew my curfew was 8:00 with  
24 Dominic. So I might have came in like ten

Page 92

1 minutes before 8:00. I came in. No more than  
2 15, 20 minutes later there was a knock at the  
3 door. I go open the door. It's Dominic and  
4 Powell. So they come in. We go in the living  
5 room and sit down and talk.  
6 And Dominic introduced himself  
7 to me, I'm your parole agent, blahsee,  
8 blahsee.  
9 Q. So at that point you had never  
10 met him before?  
11 A. No. I still haven't met  
12 Dominic.  
13 So he said, I'm going to be your  
14 parole agent. As you know, this is Mr. Dennis  
15 Powell.  
16 I said, yeah, I know him.  
17 He's like, how do you know him,  
18 Dave?  
19 I'm like, I'm all right, Powell.  
20 He's like, you going to stay out  
21 of jail this time?  
22 And I was like, yeah.  
23 So he's like, you got a job?  
24 I was like, I'm working on it

Page 93

1 now.  
2 He was like, we're not going to  
3 have no problems out of you?  
4 He just took over the whole  
5 conversation.  
6 I was like, no, Powell.  
7 He said, you know I'm going to  
8 have him watching you.  
9 I said, all right. So I said,  
10 what was the extent of you coming and  
11 searching my residence earlier?  
12 And he was like, I just wanted  
13 to make sure you was here, that this is your  
14 residence where you stay.  
15 I said, all right.  
16 And he left it at that. After  
17 that time I reported about three, four months,  
18 me and the girl had went through a situation  
19 and basically it was over. That's when I had  
20 gotten with my fiance, Ester, that's who I'm  
21 with now. So I might have went to Norristown  
22 a couple of more times, because a lot of times  
23 it was how Dominic did it you would have to  
24 come to Norristown once a month and he'll come



Page 246

1 MR. YOUNG: What did he look  
2 like?

3 THE WITNESS: Like a doctor,  
4 clean white dude.

5 MR. YOUNG: Clean white dude,  
6 long white coat?

7 THE WITNESS: Yeah.

8 MR. YOUNG: You never heard of  
9 him before?

10 THE WITNESS: No.

11 MR. YOUNG: They didn't take you  
12 into the ER, they took you right up  
13 this elevator?

14 THE WITNESS: They took me to  
15 the emergency room first.

16 MR. YOUNG: Okay.

17 THE WITNESS: And then they took  
18 me -- I guess -- I never knew this  
19 is in Pottstown they have a certain  
20 place where they take people that's  
21 incarcerated or whatever, because I  
22 bypassed everybody in there and went  
23 up the elevator and went to the back  
24 of the hospital.

Page 248

1 your body?

2 A. He did my blood pressure, my  
3 heart or whatever. He did some basic stuff on  
4 me.

5 Q. But besides the x-ray to your  
6 ribs they didn't x-ray any other parts of your  
7 body?

8 A. No.

9 Q. Did they send you for any other  
10 kinds of tests besides the x-rays for your  
11 ribs?

12 A. No.

13 Q. Did you get any treatment to any  
14 other parts of your body besides the x-ray for  
15 the ribs?

16 A. No. They just gave me pain  
17 medication.

18 Q. What did he tell you about what  
19 treatment you should get for your ribs or how  
20 long it's going to take to heal or whatever?

21 A. He told me that for broken ribs  
22 there's no way you can get like no brace or  
23 none of that, he said they got to heal on  
24 their own.

Page 247

1 BY MR. KARAMESSINIS:

2 Q. But you didn't get treated at  
3 all by any medical people at the hospital  
4 until you went up to the elevator?

5 A. Exactly. They took me straight  
6 up because I kept complaining like I'm in  
7 pain, my ribs is hurting. So when he took the  
8 x-rays he came back in and he told me what was  
9 wrong.

10 So he said, how did this happen?

11 And I went into detail.

12 I said, I was being arrested for  
13 something and the cops came in and had me on  
14 the ground and I started being punched, and  
15 then I moved and now I'm in a lot of pain.

16 Q. Did you tell him who punched  
17 you?

18 A. No. I don't think I got to all  
19 that.

20 Q. But you do know who punched you?

21 A. I said I just know a police  
22 officer that did it, yeah.

23 Q. Now, besides the ribs being  
24 x-rayed, did they x-ray any other parts of

Page 249

1 Q. Okay.

2 A. I said, heal on their own? I  
3 said, I'm in a lot of pain.

4 He said, the only thing that I  
5 can do is prescribe you medication and when  
6 you get to the prison they'll give you  
7 medication and so forth and so on.

8 I said, are you telling me I got  
9 to go through this like this?

10 He's like, yeah. He said,  
11 there's no way --

12 I said, well, how long do I have  
13 to go through this?

14 He said, it's between six to 12  
15 weeks or something like that. I know it was a  
16 couple of months.

17 I said, what?

18 He was like, yeah, it takes a  
19 while for ribs to heal. He said, you got to  
20 be very careful.

21 Q. Were the two Pottstown  
22 detectives who were with you when you went up  
23 into the elevator, were they there when the  
24 doctor talked to you about the results of the



Page 250

1 x-ray?

2 A. Yes.

3 Q. Did they overhear you describing  
4 to the doctor how your ribs became injured?5 A. Yes. And they had made a call.  
6 I know somebody got on the phone and said  
7 Cooper's ribs are broken. And after that he  
8 gave me some medication, gave me like three  
9 different medications. I know he gave me  
10 something for pain and something else. And he  
11 told me he was going to send my chart with the  
12 cops so they could take it to the prison so  
13 they make sure everything that is taken care  
14 of at the prison for me. So I got back to  
15 Pottstown. And after that --16 Q. Before we get to that point, did  
17 you have any other communication with these  
18 two detectives other than what you've told me  
19 between the time that the doctor told you the  
20 results of the x-rays and the time you got  
21 back to Pottstown Police Department?

22 A. Yeah.

23 Q. What?

24 A. They said, oh, you wasn't

Page 251

1 joking, huh?

2 I said, what you think, I was  
3 playing?4 They said, your ribs is really  
5 broke, huh? They said, you sure you didn't do  
6 it to yourself?7 I said, yeah, I'm going to  
8 really break my own ribs.

9 Q. Okay. Anything else?

10 A. They was like, we seen that  
11 happen before.12 I said, well, not with me, I'm  
13 not into pain.14 Q. When they said we've seen this  
15 happen before, they meant or you understood  
16 them to mean that they've seen people break  
17 their own ribs?18 A. I guess, hurt themselves or  
19 whatever and blame it on the cops.20 Q. Was that the extent of the  
21 discussion?

22 A. That was it.

23 Q. How did you get back to  
24 Pottstown Police Department?

Page 252

1 A. They took me.

2 Q. One car?

3 A. Yup.

4 Q. Both officers in the car?

5 A. Yup.

6 Q. When you get back to Pottstown  
7 Police Department, who's there?

8 A. Nobody really.

9 Q. Is Powell there?

10 A. Nope.

11 Q. Did you ever see Powell at the  
12 hospital?

13 A. Nope.

14 Q. Roberts, what about Roberts, was  
15 he at the hospital?

16 A. Nope.

17 Q. When you got back to the police  
18 station, was Powell there or Roberts there?

19 A. Nobody was there.

20 Q. Did you see Havrilak?

21 A. None of them.

22 Q. So none of the officers who were  
23 at Olinger's place were back at the Pottstown  
24 Police Department when you got back there?

Page 253

1 A. They wasn't downstairs where I  
2 was anyway. They might have been upstairs.3 Q. Who did you deal with when you  
4 were back at the police station?5 A. The officers that's at the  
6 station or whatever that's downstairs that  
7 fingerprints you or whatever.

8 Q. Did they take pictures of you?

9 A. Who?

10 Q. At the Pottstown Police  
11 Department.

12 A. No.

13 Q. Did they ever take any pictures  
14 of you at the Pottstown Police Department on  
15 the day of the arrest?

16 A. No.

17 Q. What about at Coventry, did  
18 anybody --

19 A. No.

20 Q. -- any officers take any  
21 pictures of you there?

22 A. Nope.

23 Q. What about at the hospital?

24 A. The x-rays.



Page 266

1 complaint that you filed?

2 THE WITNESS: Yeah.

3 MR. YOUNG: And you're the guy  
4 that put those words together; is  
5 that right?

6 THE WITNESS: I had help.

7 MR. YOUNG: Does that reflect --

8 MR. BRADFORD: Who helped you?

9 THE WITNESS: There's a couple  
10 guys inside the jail that's good  
11 with civil and they've been  
12 assisting me. And then I had Ester  
13 had got with this Internet service  
14 and they've been helping me as well.

15 MR. BRADFORD: Were you paying  
16 the Internet service or is Ester?

17 THE WITNESS: No, no, not that I  
18 know of.

19 MR. YOUNG: This is your current  
20 complaint in the case; is that  
21 right?

22 THE WITNESS: No. I think my  
23 original complaint was the one I  
24 filed first.

Page 267

1 MR. YOUNG: Now, this is your  
2 current one? I'm sorry.

3 THE WITNESS: Oh, yeah, all  
4 right, yeah.

5 MR. YOUNG: All right. And this  
6 is something you submitted to The  
7 Court; is that correct?

8 THE WITNESS: Yeah.

9 MR. YOUNG: I'd ask to have that  
10 -- well, it's already of record, so  
11 it doesn't matter, I guess.

12 MR. KARAMESSINIS: Well, let's  
13 just get them both marked just so  
14 we're clear. Let's get marked the  
15 police criminal complaint we'll get  
16 marked as Cooper-1, and the amended  
17 complaint Cooper-2.

18 ---

19 (Whereupon, Exhibits Cooper-1  
20 and 2 were marked for  
21 identification.)

22 ---

23 MR. KARAMESSINIS: Before we go  
24 on anymore, can I talk to you guys

Page 268

1 outside for one second?

2 MR. YOUNG: Sure.

3 ---

4 (Whereupon, a discussion took  
5 place off the stenographic record.)

6 ---

7 EXAMINATION

8 ---

9 BY MR. YOUNG:

10 Q. Just a couple of questions for  
11 you. Let me talk a little medically.

12 You were in Montgomery County  
13 Prison?

14 A. Uh-huh.

15 Q. For how long after this arrest;  
16 do you think?

17 A. About ten months.

18 Q. About ten months, okay.  
19 And you got medical treatment  
20 there; is that right?

21 A. Yes.

22 Q. As far as county correctional  
23 facilities they have a relatively good medical  
24 staff compared to another; is that right?

Page 269

1 A. Montgomery County?

2 Q. Yes.

3 A. It was all right.

4 Q. They gave you what you needed?

5 A. All they did was they gave me  
6 something to put me to sleep and keep the pain  
7 down.

8 Q. It took a couple of months, but  
9 your ribs healed; is that right?

10 A. Yeah.

11 Q. You're okay as we sit here  
12 today? You look pretty good.

13 A. Right now, but I'm on a steroid  
14 inhaler now. As of last year my breathing got  
15 real heavy.

16 Q. Oh, okay.

17 A. I put more weight on and then my  
18 breathing got worse.

19 Q. Your asthma got worse?

20 A. Yeah. Like I can't breathe at  
21 night. And I couldn't -- like with, I guess,  
22 me being heavier, I don't know, me laying on  
23 one side it was tearing me up. Like I  
24 couldn't stay on one side for so long.



Page 270

1 Q. Okay.

2 A. Like if I lay on the other side  
3 I'm cool or if I lay on my back I'm cool, but  
4 if I lay on that side it will wake me up in  
5 the middle of the night and I get to wheezing.  
6 So I'm waiting to get x-rays now because the  
7 jail won't do it. So I have to go outside and  
8 see an outside physician for that.

9 MR. KARAMESSINIS: How often do  
10 your ribs hurt these days, like once  
11 every couple of days or once a  
12 month?

13 THE WITNESS: If I sleep on that  
14 side for a long period of time, any  
15 time I sleep on that side.

16 MR. KARAMESSINIS: Besides  
17 sleep, is there anything else that  
18 you do that can cause you any rib  
19 pain as we sit here today?

20 THE WITNESS: No.

21 MR. KARAMESSINIS: Sorry.

22 MR. YOUNG: That's all right.

23 BY MR. YOUNG:

24 Q. Let me jump back to the whole

Page 271

1 situation in the kitchen there just to make  
2 sure I understand a couple of things.

3 According to your testimony,  
4 Detective Roberts is the guy who put his knee  
5 on you; is that right?

6 A. Yes.

7 Q. He's a big guy; right?

8 A. Yeah.

9 Q. I mean, he's, I don't know, got  
10 to be 250, if not bigger; right?

11 A. Yep, at least.

12 Q. And the knee was trying to force  
13 you to the ground; is that right?

14 A. Yeah, I believe so.

15 Q. And where do you think the knee  
16 was, was it right in the center of your back  
17 or was it off to a side?

18 A. Right in the middle of the back.

19 Q. Right in the middle, the middle  
20 of the back being?

21 A. From the top from the bottom it  
22 was like right here, in the middle center.  
23 (Witness indicating.)

24 Q. So like I'm putting my finger,

Page 272

1 is that the middle?

2 A. Around there, yeah.

3 Q. Right there?

4 A. His knee was right there.

5 Q. So the middle horizontally  
6 meaning this side to this side and the middle  
7 vertically; is that right?

8 A. Both, yeah.

9 Q. Both, okay. And he was pushing  
10 hard with his knee to get you to the ground?

11 A. Yeah.

12 MR. YOUNG: That's all I have.

13 ---  
14 EXAMINATION  
15 ---

16 BY MR. BRADFORD:

17 Q. Mr. Cooper, I have a couple of  
18 questions.

19 A. All right.

20 Q. I couldn't squeeze in during the  
21 other questions. But first off I want to run  
22 a couple of documents by you.

23 MR. BRADFORD: We're up to  
24 Exhibit-3. Let's get this marked 3

Page 273

1 and 4.

2 ---  
3 (Whereupon, Exhibits Cooper-3  
4 and 4 were marked for  
5 identification.)  
6 ---

7 MR. YOUNG: Could I ask that  
8 copies of any exhibits are attached.

9 BY MR. BRADFORD:

10 Q. Mr. Cooper, please take a look  
11 at what we have marked as Cooper-3, which is a  
12 Notice of Board Decision recorded on June 3,  
13 2005. Do you see this document?

14 A. Recorded on 2005, you said?

15 Q. Recorded on June 3rd of 2005?

16 A. Yeah.

17 Q. And this is the board decision,  
18 the parole board decision, granting your  
19 release on parole?

20 A. Uh-huh.

21 Q. And if you turn to Page 2 of  
22 this document, the fourth paragraph from the  
23 bottom, it says, you shall not operate a motor  
24 vehicle without a valid Pennsylvania driver's



Exhibit B  
Powell**POTTSTOWN MEMORIAL MEDICAL CENTER**  
**1600 East High Street**  
**POTTSTOWN, PENNSYLVANIA****REPORT OF INJURIES TO PERSONS BY DEADLY WEAPON OR CRIMINAL ACT**

Report to be telephoned to the proper authority and confirmed in writing (a) by delivering one copy hereof to the policeman or detective, if any, who comes in response to the telephone call and (b) by mailing a copy to the addressee hereof immediately by the hospital when any person comes or is brought to if suffering from any wound or other injury inflicted either (i) by means of a knife, gun, pistol or other deadly weapon or (ii) in violation of any penal law of Pennsylvania. One copy hereof should be receipted by such policeman or detective and retained by the hospital.

ADDRESS OF TOWNSHIP, STATE OR LOCAL POLICE:

Pottstown Police

Dear Sir:

On 2/17 192006 at 14<sup>14</sup> o'clock P M.,Name David CooperAddress 107 Stephanie Lane Collegeville PA 19426

apparently (strike out one) over/under 18 years of age, was brought to this hospital suffering from

Rib Pain

(state character and extent of injuries).

Weapon used: Bodily ForcePlace of Assault 900 Block Warren

(Strike out two of the next three paragraphs which are inapplicable.)

1. The patient is still in the hospital.
2. The patient has left the hospital and presumably went to the following address given us:
3. The patient's whereabouts is unknown.

This report is sent pursuant to Section 5106 of the Penal Code, and confirms our telephone report to your office made at 14<sup>14</sup> o'clock P M., on this date.

Dated: 2/17 19 2006.By: B. Kehn EK Reg

POTTSTOWN MEMORIAL MEDICAL CENTER

Receipt of a copy of this report is acknowledged:

Please Return Signed Copy to



**EMERGENCY DEPARTMENT**  
**MUSCULOSKELETAL NURSING ASSESSMENT**

Potomac Memorial Medical Center

 Name: COOPER, DAVID L.      PI# 8377336  
 Age: 31 YRS    DOB: 10/27/1974    Sex: M    MR#: 000012224  
 EDP: \*\*ED PHYSICIAN    PCP: NONE, NONE

Date In: 2/17/2006

Time: 1414

## Subjective Notes:

States struck in the right side of back.

Pain: ☐ Patient denies painLocation: lt side see picture    Quality: ☐ Sharp ☐ Dull ☐ Cramping ☐ Burning ☐ Aching    Severity scale:    Onset:Provocation:    ☐ Other:

Aggravating factors:

Radiating: ☐ No ☐ Yes (specify)☐ Constant ☐ Intermittent

Relieving factors:

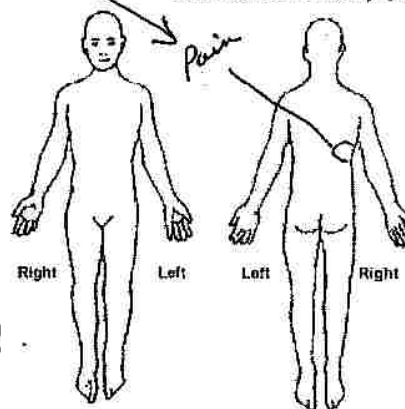
## Psychosocial

Appearance: ☒ Clean ☐ Unkempt ☐ OtherMood / Affect / Behavior: ☒ Appropriate ☐ Depressed ☐ Anxious☐ Tearful ☐ OtherCaregiver: ☒ Self ☐ Family member ☐ Significant Other ☐ Group homeActivity level: ☒ Ambulates independently ☐ Requires assistance ☐ Non-ambulatory☒ Performs ADL's independently ☐ Requires assistance with ADL'sEnvironment: ☐ No steps ☐ Few steps ☐ Many stepsNutritional status: ☐ Normal ☐ Cachectic ☐ ObeseReligious / Cultural preference: ☐ None (specify)Best learn by: ☐ Verbal ☐ Written ☐ Return demoLearning Barriers: ☐ TDD phone ☐ Interpreter ☐ No ☐ Yes☐ Other:

## Mechanism of Injury

Direction and amount of force: fast per pt.What was felt or heard upon injury: painPre-hospital treatment: ☐ Full spinal immobilization ☐ Collar ☐ Splint  
☐ Pressure dressing ☐ Ice ☐ Heat ☐ Ace wrap

Use numbers to indicate injury location and type



1. Abrasion
2. Amputation
3. Avulsion
4. Burn
5. Closed Fx / Dis
6. Contusion
7. Crepitus
8. Deformity
9. Edema
10. GSW
11. Laceration
12. Open Fx
13. Stab
- 14.
- 15.

No gross deformities, No crepitus noted.  
No bruising noted.

## Past Medical History and Risk Factors

PMH from triage: ASTHMA, SEASONAL ALLERGIES

☐ Previous Sx involving musculoskeletal system and date:☐ Diabetes ☐ Arthritis ☐ Osteoporosis ☐ Hemophilia ☐ Cancer:☐ Anticoagulant medicine: ☐ ASA ☐ Coumadin ☐ Other:

## Physical Assessment Objective

Muscle strength: 0= no strength 5= normal

RUE 00 01 02 03 04 05

LUE 00 01 02 03 04 05

RLE 00 01 02 03 04 05

LLE 00 01 02 03 04 05

Lacerations / Abrasions / Avulsions / Contusions

Location: (see graph.)    Size:

Bleeding: ☐ Absent ☐ Present ☐ Scant ☐ Moderate ☐ Heavy ☐ Pulsating

Immunization: under 5 yr

Scars:

Edema:

## Extremity Assessment

RUE Pulses: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Cap. Ref.: <input checked="" type="checkbox"/> < 2 s. <input type="checkbox"/> > 2 s.	Motion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Temp: <input checked="" type="checkbox"/> W <input type="checkbox"/> C	Color: <u>Pale</u>
LUE Pulses: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Cap. Ref.: <input checked="" type="checkbox"/> < 2 s. <input type="checkbox"/> > 2 s.	Motion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Temp: <input checked="" type="checkbox"/> W <input type="checkbox"/> C	Color:
RLE Pulses: <input type="checkbox"/> Yes <input type="checkbox"/> No	Cap. Ref.: <input checked="" type="checkbox"/> < 2 s. <input type="checkbox"/> > 2 s.	Motion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Temp: <input checked="" type="checkbox"/> W <input type="checkbox"/> C	Color:
LLE Pulses: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Cap. Ref.: <input checked="" type="checkbox"/> < 2 s. <input type="checkbox"/> > 2 s.	Motion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Temp: <input checked="" type="checkbox"/> W <input type="checkbox"/> C	Color:

## System Review

## Neurological

☒ Alert  
☒ Oriented X-3  
☒ Cooperative  
☐ Awake but confused  
☐ Uncooperative  
☐ Combative  
☐ Agitated  
☐ Restrained

## Cardiovascular

☒ Skin: ☒ Warm ☐ Dry ☐ Moist  
☒ Color: ☒ Pink ☐ Pale ☐ Ashen ☐ Flushed  
☐ Cyanotic ☐ Jaundiced

## Respiratory

☒ Airway: ☒ Clear ☐ Other  
☒ Effort: ☒ Unlabored ☐ Mildly ☐ Severely  
☐ Retractions ☐ Stridor ☐ Nasal Flaring  
☒ Lung: ☒ Clear ☐ Wheezing ☐ Crackles  
☐ Rhonchi ☐ Decreased

Vital Signs: 14:14 T: 99.3 P: 102 regular R: 20 BP: 132/072

Nurse Signature: Bon Gilbert



6

Moderate tender highlighted region;  
Anterior Rom.  
no ecchymosis or swelling

**SKIN**

☒ normal ☐ laceration ☐ ecchymosis

**NEUROLOGICAL**

☒ normal ☐ focal weakness ☐ focal sensory deficit ☐ abnormal reflexes

**PSYCHIATRIC**

☒ oriented x3 ☐ disoriented ☐ flat affect

**RADIOGRAPHS**

**CXR:**

☐ normal ☐ rib fx ☐ pneumothorax

**C-spine / T-spine / LS spine**

☐ normal ☐ fracture ☐ subluxation ☐ DJD

Other radiographs: \_\_\_\_\_

**LABS**

**CBC** ☐ normal **BMP** ☐ normal

segs: \_\_\_\_\_%  
bands: \_\_\_\_\_%  
lymphs: \_\_\_\_\_%

**U/A:** ☐ normal ☐ hematuria

0-5 WBC, 0-5 RBC, few ep. cells, protein 30

**TUBE THORACOSTOMY**

Indication: ☐ pneumothorax ☐ hemothorax ☐ effusion

☐ risks and benefits explained

☐ patient sedated: \_\_\_\_\_

☐ skin anesthetized with 1% / 2% lidocaine with / without epinephrine

Location of tube insertion:

☐ mid-axillary line ☐ rib interspace: 4-5

☐ anterior axillary line ☐ 5-6

☐ mid-clavicular line

☐ size of tube inserted: \_\_\_\_\_ Fr ☐ attached to water seal / suction

☐ post-procedure CXR performed

☐ complications: \_\_\_\_\_

**WOUND REPAIR NOTE**

description: \_\_\_\_\_

location: \_\_\_\_\_ length: \_\_\_\_\_ cm

anesthesia: \_\_\_\_\_

topical: \_\_\_\_\_

local: lidocaine 1% / 2% w/ without epinephrine

other: \_\_\_\_\_ volume: \_\_\_\_\_ cc

linear  
stellate  
smooth margins  
irregular margin  
contaminated  
crushed tissue

Cleansing: \_\_\_\_\_

irrigation: saline / shurclens / betadine volume: \_\_\_\_\_ cc

debridement foreign body removal

Wound Repair

☐ wound edges revised☐ staples☐ steri-strips only☐ skin adhesive

	# of sutures	suture size	material	technique
skin			nylon / prolene	simple / running / matt
subQ			vicryl / chromic	simple / running / matt
deep			vicryl / chromic	simple / running / matt

**ELECTROCARDIOGRAM**

Rate: \_\_\_\_\_

☐ interpreted by me

Rhythm: \_\_\_\_\_

☐ NSR

Axis: \_\_\_\_\_

☐ normal QRS: ☐ normal ST/T: ☐ normal

Impression: \_\_\_\_\_

☐ normal EKG ☐ abnormal EKG**ED COURSE**

Treatment

Response

☐ Tt / Td IM

1500. Abt. B/D, soft, mild RVA tender  
extends over rib cage

- ☐ Old records reviewed ☐ Admission orders written
- ☐ Discussed with Dr.
- ☒ Counseled patient/family: test results / diagnosis / follow-up

- ☐ I HAVE PERFORMED A MEDICAL SCREENING EVALUATION
- ☐ NO EMERGENCY MEDICAL CONDITION EXISTS
- ☐ FURTHER EVALUATION NEEDED TO RULE OUT AN EMC

**CLINICAL IMPRESSION**Rib Fracture(s): 8, 10<sup>th</sup>

Contusion/Sprain - Neck / Thoracic / Lumbar

Laceration

Penetrating Chest Tra

**DISPOSITION** (time: \_\_\_\_\_)☐ home ☐ admit ☐ transferred ☐ AMA ☐ observation ☐ expired ☐ MICondition: ☐ stable ☐ fair ☐ good ☐ poor ☐ critical ☐ improvFollow-up: ☐ ED ☐ PMD ☐ on-call \_\_\_\_\_ in \_\_\_\_\_ da

Instructions: \_\_\_\_\_

Rx: \_\_\_\_\_

**ATTENDING NOTE**☐ resident/NP/PA note reviewed☐ I have performed a face to face evaluation of the patient☐ I agree with above diagnosis ☐ I have reviewed the treatment plan / conc

Resident / NP

DAVID PERRY, MD MD / DO

☐ See Addendum Sheet

DCare Templates on \_\_\_\_\_ by Emergency Medicine  
attendants of Pottstown, \_\_\_\_\_  
Release



POTTSTOWN MEMORIAL MEDICAL CENTER  
EMERGENCY PHYSICIAN RECORD

Time Seen: 1428 Room: \_\_\_\_\_  
 Historian: patient / EMS  
 History limited by: \_\_\_\_\_ ☐ Translator

COOPER, DAVID L RM#  
 PA# 8377336 10/27/1974 M 31  
 02/17/2008 MISC PHYSICIAN  
 MR# 12224

CHIEF COMPLAINT: ☐ injury/pain ☒ chest ☐ abdomen  
☐ back ☐ neck

## HISTORY OF PRESENT ILLNESS:

age: 31 race: W / B / H / O gender: M / F  
 onset: ☐ first prior to arrival in ED / \_\_\_\_\_ hrs / days / weeks  
 Timing: ☒ continues in ED ☐ improved ☐ resolved  
 Severity of pain: mild moderate severe  
 pain scale (1-10): \_\_\_\_\_  
 Location of pain: head neck chest abdomen  
☒ back ☐ upper / ☐ middle / ☐ lower  
 Radiation of pain: ☒ none  
 R/L ☐ arm / hand ☐ buttocks / thigh / leg / foot  
 Associated injury: yes / no  
 head injury yes / no ☐ LOC / dazed  
 Other: \_\_\_\_\_  
 Cause of injury: ☐ fall ☐ MVA ☐ stab wound ☐ GSW

Charges during arrest police pursued him  
10-15 times in back of back - intracapsular  
abuse from (10 mod pain) severe C minor

Work Related Injury? ☒ Yes / ☐ No  
 Site of injury: ☐ home ☐ work  
☐ school ☐ street / park  
 Exacerbation of pain: ☐ nothing ☐ movement  
 Associated symptoms: ☐ none ☒ SOB ☐ neck pain  
mult-latter p used inhaler  
 Tetanus status: ☐ current ☐ > 5 years

## ADDITIONAL HISTORY:

☒ PMH/SH/FH reviewed on nurse's notes and agree

PAST MEDICAL HISTORY ☐ none

☒ HTN ☐ asthma ☐ arthritis ☐ diabetes

☒ other: Allergic Rhinitis

SOCIAL HISTORY ☐ alcohol ☐ tobacco ☐ drug abuse

☒ lives alone / spouse / family / nursing home

MEDICATIONS ☐ see nurse's notes

Albuterol MDI  
Allegro 20/11

ALLERGIES ☒ NKDA ☐ see nurse's notes

## REVIEW OF SYSTEMS

☐ ROS: ALL SYSTEMS REVIEWED & NEGATIVE EXCEPT AS INDICATED  
☐ ROS cannot be obtained; patient unable to answer questions

Check box if system is normal:

☒ General: ☐ fever ☐ chills  
☒ HEENT: ☐ sore throat ☐ headache  
☒ Eyes: ☐ visual complaints  
☒ Resp: ☐ cough ☒ SOB / DOE  
☒ CV: ☐ chest pain  
☒ GI: ☐ nausea/vomiting ☐ diarrhea ☐ abd pain  
☒ GU: ☐ flank pain ☐ dysuria / frequency / hematuria  
☒ Skeletal: see HPI  
☒ Skin: ☐ rash ☐ laceration  
☒ Neuro: ☐ focal weakness ☐ focal sensory loss ☐ paresthesia  
☐ Endocrine: ☐ polyuria ☐ polydipsia ☐ weight change

## PHYSICAL EXAM

HR 92 Bp 137/72 RR 20 T 99.2 SaO<sub>2</sub> % 100 RA VS stable

## APPEARANCE:

☒ normal ☐ distressed: mild / moderate / severe

## HEENT

☒ no trauma  
☒ PERRLA

☐ laceration: \_\_\_\_\_

## NECK

☒ non-tender  
☒ full ROM  
☒ no muscle spasm  
☒ trachea midline

☐ tender paraspinal muscles R/L  
☐ tender midline  
☐ muscle spasm R/L  
     mild moderate severe  
☐ decreased ROM

## CHEST

☐ no evidence of trauma

☒ chest wall tender: Posterior LA Anterior  
☐ ecchymosis / abrasion  
☐ splinting

## CARDIAC

☒ normal  
☒ no murmur / gallop

☐ tachycardia / bradycardia  
☐ murmur systolic / diastolic

## PULMONARY

☒ normal

☐ wheezing / rales / crackles R/L  
☐ decreased breath sounds R/L

## BACK

☐ non-tender  
☒ full ROM  
☒ no muscle spasm

☐ tender paraspinal muscles R/L  
☐ tender midline  
☐ muscle spasm R/L  
     mild moderate severe  
☐ decreased ROM punkil Alcin  
☐ pain on leg raising

Right: \_\_\_\_\_ degrees  
 Left: \_\_\_\_\_ degrees

## GI/GU

☒ soft  
☐ non-tender  
☒ no organomegaly  
☐ normal genital exam  
☐ normal rectal exam

☐ distended  
☒ tender  
☐ mass  
☐ meatal blood ☐ scrotal hematoma  
☐ decreased rectal tone  
☐ heme positive stool



**ORDER PROCEDURE FORM**  
**ORTHOPEDIC EMERGENCIES**

Potomac Memorial Medical Center

Name: COOPER, DAVID L

Pl#: 8377336

Age: 31YRS DOB: 10/27/1974

Sex: M

MR#: 000012224

EDP: \*\*ED PHYSICIAN

PCP: NONE, NONE

Date In: 2/17/2006

Time: \_\_\_\_\_

Laboratory Tests		Other Diagnostic Tests	
Order Time	Order Sent By	Order Time	Order Sent By
CBC		1430	XRB PA/LAT - Portable
BMP	CMP		C-Spine (X-table) (Complete)
Sed Rate			Spine Xray
Uric Acid			Cardiopulmonary
RA Factor			EKG
Drug screen (serum), (urine)			ABG
ETOH			O2 LPM
Type & Screen or Cross # Units			
Beta HCG			
Misc. Orders			Medical Necessity Information
Previous Medical Records			
Physical Therapy - Eval & Tx			

Weight:

lbs: 160

kgs: 75

Allergies: NONE

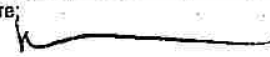
Order Time	Medication / Dosage / Route	VO	Read Back	Admitting	Admitting	Site	Time	Reassessment	Pain	Initials
1440	Meperidine 50mg po	<input checked="" type="checkbox"/>						<input type="checkbox"/> Improved <input type="checkbox"/> Worse <input type="checkbox"/> Unchanged		
1440	Tylenol 500mg po	<input type="checkbox"/>						<input type="checkbox"/> Improved <input type="checkbox"/> Worse <input type="checkbox"/> Unchanged		
1440	Vicodin 5 po	<input type="checkbox"/>						<input type="checkbox"/> Improved <input type="checkbox"/> Worse <input type="checkbox"/> Unchanged		
		<input type="checkbox"/>						<input type="checkbox"/> Improved <input type="checkbox"/> Worse <input type="checkbox"/> Unchanged		
		<input type="checkbox"/>						<input type="checkbox"/> Improved <input type="checkbox"/> Worse <input type="checkbox"/> Unchanged		

Order Time	IV / Solution / Added Medication	Start Time	Device / Size / Location	Attending	Start By	D/C Time	Amplified	D/C By
	<input type="checkbox"/> KVO Device:							
	<input type="checkbox"/> IV Fluid:							

## Procedures / Nursing Assistance

<input type="checkbox"/> Cardiac Monitor Rate _____ Rhythm _____	<input type="checkbox"/> Splint Application	<input type="checkbox"/> (Local), (Regional) Anesthesia
<input type="checkbox"/> NIBP Monitor <input type="checkbox"/> Pulse Oximetry	<input type="checkbox"/> Ace Bandage Application	<input type="checkbox"/> Conscious Sedation
<input type="checkbox"/> (Cold), (Heat) Application	<input type="checkbox"/> Sling Application	<input type="checkbox"/> Laceration Repair
<input type="checkbox"/> Wound Irrigation	<input type="checkbox"/> C-Spine Immobilization	<input type="checkbox"/> Cast Application
<input type="checkbox"/> Dressings	<input type="checkbox"/> Foreign Body Removal	<input type="checkbox"/> Fracture Care (open), (closed)

## Discharge Instructions

Initials/Signature:	Initials/Signature:	Initials/Signature:	Initials/Signature:
PA/ARNP:	Physician's Signature: 		



**IMAGING SERVICES - RADIOLOGY - DIAGNOSTIC****POTTSTOWN MEMORIAL MEDICAL CENTER****MONTGOMERY RADIOLOGY ASSOCIATES****1600 E. HIGH STREET****POTTSTOWN, PENNSYLVANIA 19464****Phone: 610-327-7485 Fax: - 610-870-3194****PATIENT: COOPER, DAVID L****Exam: CH-CHEST 2 VIEWS PA/AP AND LATERAL****MR#: 12224****DOB: 10/27/1974****ADM Dr: PERRY, DAVID****ROOM: E-EOP****AGE: 31 Y****ORD Dr: PERRY, DAVID****PT#: 8377336****SEX: M****DOS: 02/17/2006 14:53****ADM: 02/17/2006****DISCH: 02/17/2006****REQ#: 4732354-1****FINAL TRANS DATE: 02/20/2006 12:36:13****COPY Dr:Physician Misc****\*\*\* Final \*\*\*****STUDY: CH-CHEST 2 VIEWS PA/AP AND LATERAL****CHEST/TWO VIEWS:****CLINICAL HISTORY: Pain.**

**COMMENT:** PA and lateral views of the chest were performed. No prior studies are available for comparison.

The costophrenic and cardiophrenic angles are clear bilaterally. The lungs are clear bilaterally. The heart is normal in size. The trachea is midline. The thoracic cage demonstrates fractures of the tenth and eleventh ribs on the right side.

**IMPRESSION:**

- 1) No acute pulmonary infiltrate is identified.
- 2) There are no findings of pneumothorax.
- 3) Fractures involving the tenth and eleventh ribs on the right side. The twelfth rib is congenitally hypoplastic.

**Dictated By: ANIL BHARDWAJ MD****Date: 02/17/2006 16:53:00****Page: 1****Transcribed By: MEP****Date: 02/20/2006 12:36:13****Electronically Signed By: ANIL BHARDWAJ MD**



AFFIDAVIT OF TESTIMONY  
FROM VICTIM OF SIMILAR EVENTS

Exhibit C  
Powell

I Concie Rome, Do hereby declare that the below statements made herein are true and correct based upon my experience, knowledge, information and belief in accordance with the provisions under 28 U.S.C. §1746.

I Concie Rome, do state the following to be true and correct based upon my experience, knowledge, information and belief: Based upon my experience with Dennis Powell  
My family did experience difficulties with this Agent  
when Powell supervised a member of my family he  
illegally entered my 80 yr. old mother's home without  
identifying himself to my mother, search my mother's  
bedroom, Kitchen and the room where the parolee was  
renting. He was not suppose to enter my mother's  
room without a family member present. Powell harassed  
this family member anywhere and anytime he saw him.  
His warrant to search was just the room where  
the parolee slept. He acted ignorant, using profanity and  
very disrespectful in front of my mother. At one point  
he ordered family members to leave the house and shut-up.

I Concie Rome, do hereby state that the above statement given by me is true and correct and that I am available to testify to the same in Court on behalf of David Cooper when called to do so and can be contacted at: \_\_\_\_\_

(484) # 524-8417

Thomas A. Palladino

NOTARY

Thomas A. Palladino  
 Magisterial District Judge  
 Montgomery County, PA  
 District Court 39.1.11

SWORN TO AND SUBSCRIBED BEFORE ME  
 THIS 11 DAY OF August 08